

Assembly Bill No. 2005

CHAPTER 543

An act to add and repeal Section 8670.5.1 of the Government Code, relating to oil spills, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 2012. Filed with
Secretary of State September 25, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, Garrick. Oil spills: nontank vessels: contingency plans and financial responsibility.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response. The act requires a nontank vessel to submit to the administrator specified documents and evidence of financial responsibility.

This bill would specifically require, until January 1, 2014, the owner or operator of a nontank vessel within a specific range of gross tonnage that is not used for commercial purposes to submit, as specified, evidence of financial responsibility, payment of the applicable fee, graywater information, sewage information, and vessel particulars at least 96 hours prior to the vessel's arrival in the marine waters of the state, and to submit other required documents within 14 days after the arrival of the vessel. This bill would exempt from these requirements a vessel with insufficient graywater and sewage holding capacity to store graywater and sewage while the vessel is in marine waters of the state and any vessel for which a contingency plan has previously been denied or revoked.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 8670.5.1 is added to the Government Code, to read:

8670.5.1. (a) Notwithstanding other provisions of this chapter, an owner or operator of a nontank vessel that is not used for commercial purposes and that weighs 300 gross tons or greater, but less than 400 gross tons, shall, at least 96 hours prior to arrival in the marine waters of the state, submit to the administrator all of the following:

(1) Evidence of financial responsibility required pursuant to Section 8670.37.58.

- (2) Payment of the nontank vessel fee pursuant to Section 8670.41.
- (3) The vessel's particulars, such as the size and dimensions of the vessel and any other information required by the administrator.
- (4) Graywater information, including the vessel's ability to store graywater while in marine waters of the state, and size and capacity of any graywater holding tanks, as measured in metric tons.
- (5) Sewage information, including the vessel's ability to store sewage while in marine waters of the state, and size and capacity of any sewage holding tanks, as measured in metric tons.
- (b) Information required to be submitted to the administrator pursuant to paragraphs (4) and (5) of subdivision (a) shall also be submitted to the State Water Resources Control Board.
- (c) The owner or operator of the nontank vessel that is not used for commercial purposes shall submit other documents required by this chapter within 14 days after the arrival of the vessel in the marine waters of the state.
- (d) This section shall not apply to an owner or operator of either of the following:
 - (1) A vessel with insufficient graywater and sewage holding capacity to store graywater and sewage while the vessel is in marine waters of the state.
 - (2) A vessel for which a contingency plan has previously been denied or revoked.
- (e) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure the orderly arrival of nontank vessels attending the America's Cup event in the San Francisco Bay, it is necessary for this measure to take effect immediately.